



C.R.P.(PD)(MD)No.1219 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1219 of 2022

and

C.M.P(MD)No.4968 of 2022

1.Mariyappan

2.Ponnusamy

... Petitioners

Vs.

Karuppannan(died)

Raman (Died)

1.Veerappan

Veerappan (died)

Mukthan (died)

2.Karuppanan

3.K.Ariyathambi

4.Raman

5.Perumal

6.Vellaisamy

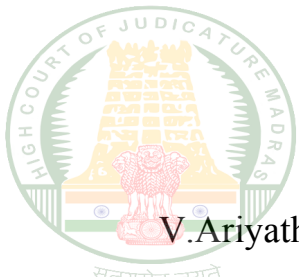
7.R.Ariyathambi

8.Arumugam

Palaniappa Gounder(died)

Karuppannan (died)

9.V.Arumugam



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V.Ariyathambi(died)

10.Nagammal

11.Thummamal

Iyyappasamy (died)

12.Muniyandi

13.Subramani

14.Karuppasamy

15.Murugan

16.Perumal

17.Vellaisamy

18.Ganesan

19.Velusamy

20.Raman

21.Vellaisamy

22.Chinnasamy

23.Thangaraj

... Respondents

PRAYER: Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, against the fair and decreetal order made in I.A.No.176 of 2019 in O.S.No.563 of 2004 on the file of Principal District Munsif Court, Veda sandur, dated 10.03.2022.

For Petitioners : Mr.S.Gokul Raj

For Respondents : No appearance

for R1 to R3, R5, R6,

R8 to R10, R12, R13, R16 to R23



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ORDER

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This Civil Revision Petition is filed challenging the fair and decreetal order made in I.A.No.176 of 2019 in O.S.No.563 of 2004 on the file of Principal District Munsif Court, Vedasandur, dated 10.03.2022.

2. The learned counsel for the petitioners would submit that the petitioners filed a suit for declaration, permanent injunction and recovery of possession in O.S.No.563 of 2004 and in the year 2019, the petitioners filed an I.A.No.176 of 2019 to implead the legal heirs of the deceased defendants 1,2,4,5,13,14,16 and 19. However, the said application was rejected on the ground that the petitioners not filed death certificate and legal heir certificate. Challenging the same, the present revision petition has been filed.

3. Learned counsel for the petitioners would submit that whatever the document available with the petitioners, they filed impleading petition under Order XXII Rule 4 read with 151 C.P.C and the same was rejected by the trial Court. Accordingly, he prayed for appropriate orders.

4.This Court perused the entire records. Perusal of the records reveals



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that though the petitioners claimed that the defendants 1,2,4,5,13,14,16 and 19 died due to virus and for which they want to implead the proposed respondents, however, the death certificate of the above said persons and the legal heir certificate of the above said persons are not marked before the trial Court. Thereby, the trial Court rejected the petition which need not be interfered.

5. Accordingly, this Civil Revision Petition dismissed. However, liberty is granted to the petitioners if they possess death certificate and legal heir certificate, he shall file appropriate application to condone the delay and to set aside the abatement in the manner known to law. No Costs. Consequently, connected miscellaneous petition is closed.

01.07.2025

Internet:Yes/No

Index:Yes/No

NCC:Yes/No

PJL

To

1.The Principal District Munsif Court,
Vedasandur.

2.The Section Officer,
VR Section,



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Madurai Bench of Madras High Court,
Madurai.

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M.DHANDAPANI, J.

PJL

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